

Transportation Committee

Senator Ron Gould, Chairman



**Dallas Gold, Research Analyst
Elizabeth Hegedus-Berthold, Intern**

TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

ADOT records; domestic violence victims (NOW: public records; confidentiality) (S.B. 1006) – Chapter 141

Retroactive to September 21, 2006, expands the list of persons eligible to request restriction of public access to personal information that is available through the county recorder, assessor or treasurer. Requires an eligible person, who is under an order of protection or injunction against harassment, to present to the county recorder a copy of the court order or injunction to support the person's need to redact personal information.

Allows an eligible person to request that the Arizona Department of Transportation (ADOT) restrict public access to personal information and requires an eligible person, who is under an order of protection or injunction against harassment, to submit a copy of the order or injunction to ADOT to support the person's need to redact personal information.

vehicle license tax; military exemption (S.B. 1007) – Chapter 239

SEE FINANCE COMMITTEE.

DUI; 0.20 concentration enhancement (S.B. 1029) – Chapter 219

Increases the penalties for persons convicted of an extreme DUI with a blood alcohol concentration (BAC) of 0.20 or higher, including a sentence of at least 45 consecutive days in jail and a fine of at least \$500 for a first offense and at least 180 days in jail, 90 of which must be served consecutively, and a fine of at least \$1000 for a second offense within 84 months.

Additionally, first offense DUI offenders must equip their vehicle with an ignition interlock device (IID) for one year. If the person's BAC is 0.20 or higher, the IID is required for 18 months and for a second offense DUI violation within 84 months, if the BAC is 0.20 or higher, the IID is required for two years.

automobile theft authority; continuation (S.B. 1061) – Chapter 27

Retroactive to July 1, 2007, continues the Arizona Automobile Theft Authority until July 1, 2012.

pedestrian control signals (S.B. 1076) – Chapter 29

Allows the symbol of a walking person and an upraised hand to be used on pedestrian control signals to indicate "walk" and "don't walk."

vehicle accidents; minimum reporting requirement (S.B. 1118) – Chapter 154

Reclassifies the failure to stop or give information or assistance at the scene of an accident resulting in death or serious injury as a class 3, instead of a class 4, felony; unless the driver who

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caused the accident leaves the scene, in which case it is reclassified as a class 2 instead of a class 3 felony.

A driver who fails to stop or give information or assistance at the scene of an accident leading to an injury that is not serious is guilty of a class 5 felony, instead of a class 6. Failure to stop or give information at the scene of an accident resulting in vehicle damage is a class 2, instead of a class 3, misdemeanor.

traffic violations; statute of limitations (S.B. 1131) – Chapter 155

Allows a civil traffic violation case to be commenced within one year of the alleged violation if the investigation is in conjunction with an accident resulting in death. Time restraints specific to civil traffic violation cases initiated by filing are also established, which requires the cases to be filed within 60 days of the alleged violation and served within 90 days from the filing date.

HOV lanes; motorcycles; buses (S.B. 1161) – Chapter 32

Allows a person to drive a motorcycle or public transportation vehicle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

records redaction; officials; officers (NOW: special plates; initial dates; elimination) (S.B. 1223) – Chapter 251

SEE GOVERNMENT COMMITTEE.

animal fighting; prohibition (NOW: aggravated DUI; probation; incarceration) (S.B. 1229) – Chapter 159

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

homeowners' associations; designated representative (NOW: extreme DUI; sentence) (S.B. 1252) – Chapter 195

Removes the ability of judges to suspend any portion of a first or second offense extreme DUI sentence, thereby mandating that offenders serve the entire 30-day and 120-day jail terms, respectively. In addition, a judge may order an extreme DUI offender to not consume alcohol for a period of 30 days for a first time offender or 90 days for a second time offender as demonstrated through continuous alcohol monitoring or twice daily alcohol testing. In each case, at the judge's discretion, the court may extend the period of continuous alcohol monitoring.

salvage titles; insurance company applications (S.B. 1596) – Chapter 60

Removes the registration card and vehicle license plates from the list of items insurance companies are required to submit upon an application to the Arizona Department of Transportation Motor Vehicle Division for a salvage certificate of title or nonrepairable vehicle certificate of title.

foreign motor carriers (S.B. 1640) – Chapter 296

Establishes a number of restrictions and requirements for foreign motor carriers operating in Arizona to conform with federal requirements, including prohibiting foreign motor carriers from

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operating without a certificate of registration in the vehicle or refusing to show the certificate to a peace officer. Foreign carriers are prohibited from providing point to point transportation services for any goods other than international goods, unless the cargo is an export. Additionally, foreign carrier vehicles must be inspected by a certified inspector of commercial vehicles every three months and are required to display a safety inspection decal for at least three years after receiving permanent operating authority. Violations are subject to a maximum \$1,000 civil penalty. Allows any law enforcement agency to impound an offender's vehicle and cargo until all charges are cleared; impoundment charges are the responsibility of the offender.

Expands the jurisdiction of municipal and justice courts to include civil and misdemeanor criminal transportation violations, including violations relating to abandoned, seized and junk vehicles, motor carrier safety, fees such as gross weight and highway use fees, as well as aviation.

Establishes the ten-member Blue Ribbon Transportation Committee (Committee) that is charged with reviewing all received reports pertaining to Arizona's transportation framework and making recommendations on legislative issues to be addressed in the next legislative session. Repeals the Committee on October 1, 2008.

Allows the Arizona Department of Transportation (ADOT) to accept a plaque or monument from a veterans' organization to be placed on the Veterans Highway portion of Interstate 17, subject to ADOT's design approval.

national identification cards (NOW: unfunded mandate; REAL ID Act) (S.M. 1003)

Urges the United States Congress to correct the unfunded mandate placed on the states through the REAL ID Act of 2005.

state aviation day (S.R. 1001)

Proclaims February 7, 2007, as Aviation Day in Arizona and honors the industry's workers for their contributions to this state.

technical correction; poison control (NOW: defensive driving schools) (H.B. 2001) – Chapter 182

Effective December 31, 2008, upon the expiration of all contracts between the Arizona Supreme Court and defensive driving schools that are in existence on July 1, 2007, a person may attend any Supreme Court certified defensive driving school that complies with the court automation and reporting requirements. Considers the renewal of a contract after July 1, 2007, a new contract. The court may also adopt requirements for schools to electronically report completions and transfer funds, subject to approval of the Defensive Driving Board.

notary public; signatures of relatives (NOW: teenage driver safety act) (H.B. 2033) – Chapter 206

Effective July 1, 2008, the graduated driver license program is altered by restricting nighttime driving, altering the instructional permit periods and placing limitations on drivers who are under 18 from carrying passengers. Applies these provisions only to permits and licenses issued beginning July 1, 2008.

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vehicle use; causing death; injury (H.B. 2052) – Chapter 39

Adds overtaking a school bus to the list of offenses for which a person may be charged with causing injury or death by a moving violation or by use of a vehicle.

traffic tickets; civil penalties; collection (NOW: traffic tickets; collections; civil penalties) (H.B. 2226) – Chapter 185

Prohibits the court from initiating collection procedures, or requesting that the Arizona Department of Transportation Motor Vehicle Division (MVD) suspend a driver's license or refuse to renew a vehicle registration for an unpaid civil traffic penalty if all of the following apply: 1) the final disposition for the violation occurred more than 36 months before the court began collection procedures; 2) the court does not have a record indicating the person was notified that the penalty is unpaid and due within 36 months of the final disposition or indicating that the person has arranged for an extension or installment plan; and 3) the court has not requested suspension of a license or refusal of vehicle registration renewal.

Additionally, the court is prohibited from engaging in collection activities and must rescind orders for license suspension or refusal of vehicle registration renewal if a person presents evidence indicating the penalty has been paid. MVD must remove any ticket that the court is unable to collect on from the person's driving record.

vehicle license tax; hybrid vehicles (NOW: commercial driver licenses) (H.B. 2228) – Chapter 214

SEE APPROPRIATIONS COMMITTEE.

driver license agreement (NOW: ADOT; bid requirements; annual adjustment) (H.B. 2367) – Chapter 77

Beginning in FY 2008-2009, increases from \$50,000 to \$189,000, the expenditure threshold for Arizona Department of Transportation facility construction or reconstruction that must be called for by advertising in a generally circulating Arizona newspaper. Increases the expenditure threshold for inflation each fiscal year thereafter.

vehicle impoundment and immobilization (H.B. 2753) – Chapter 278

Requires a vehicle to be impounded if: 1) the driver's license is suspended or revoked for any reason; 2) the driver has never been issued a license in this state or another jurisdiction; 3) the driver is subject to an ignition interlock device (IID) order and is operating the vehicle without a functioning IID; or 4) a minor is driving a vehicle with any alcohol in the minor's body.

Conditions regarding the early release of an impounded vehicle are outlined, including proof of ownership and financial responsibility requirements for spouses, license reinstatement for drivers and the contract requirements between impounding agencies and spouses or vehicle owners. Prohibits justice courts from ordering the early release of a vehicle. If the impounded vehicle is a rental, the rental agency may seek the early release of the vehicle.

Requires a towing company, storage yard or other facility that has possession of an impounded vehicle to allow an IID manufacturer or installer access to an impounded vehicle to remove the IID and to allow lienholders to assess damage to a vehicle. In cases in which the IID

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manufacturer or installer or lienholder is denied access to a vehicle, the impounding agency must provide assistance to the requesting party to obtain access to the vehicle.

Outlines the allocation of administrative charges associated with an impounded vehicle for each impounding agency and allows for a single impoundment hearing with either the impounding agency or the justice court.

transportation; budget reconciliation (NOW: budget reconciliation; transportation) (H.B. 2793) – Chapter 267

SEE APPROPRIATIONS COMMITTEE.

LEGISLATION VETOED

municipal and justice courts; jurisdiction (H.B. 2150) – VETOED

Expands the jurisdiction of municipal and justice courts to include most transportation-related misdemeanor criminal violations.

In the veto message, the Governor expresses concern that the legislation is overly broad, citing, as an example, the ability of municipal judges and justices of the peace to hear civil and misdemeanor criminal cases regarding whether the Arizona Department of Transportation or the State Transportation Board has complied with its statutory duties.